



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. PD-0197-16

THE STATE OF TEXAS

v.

RENE GUTIERREZ, Appellee

ORDER REGARDING REPRESENTATION
NUECES COUNTY

This order was delivered per curiam.

ORDER

Appellee was convicted of two counts of aggravated assault and one count of harassment of a public servant in cause number 12-CR-0312E(S1) in the 148th District Court of Nueces County. Appellee was sentenced to confinement for 20 years. The trial court granted Appellee's motion for new trial and the State appealed. The court of appeals affirmed the trial court's decision to grant a new trial. State v. Gutierrez, No. 13-13-00183-CR (Tex. App. — Corpus Christi, delivered December 3, 2015). The State's petition for discretionary review was granted by this Court on May

25, 2016. Appellee is entitled to representation before this Court at this time. See Article 1.051(a)(d)(2), V.A.C.C.P. It appears that Appellee is without representation in this court. Accordingly, the trial court is ordered to determine if Appellee is currently represented by counsel, and if so, to inform this court who represents Appellee. If Appellee is not currently represented by counsel and desires counsel, the trial court must first determine whether Appellee is indigent. If the trial court finds Appellee is indigent, that court shall appoint an attorney to represent Appellee before this court in regard to PDR No. PD-0197-16, in accord with the provisions of Articles 1.051 and 26.04, V.A.C.C.P. Any hearing conducted pursuant to this order shall be held within 30 days of the date of this order. The trial court's order appointing counsel, any findings of fact, affidavits, or transcription of the court reporter's notes and any other supplementation of the record shall be returned to this court within 45 days of the date of this order.

IT IS SO ORDERED THIS THE 17th DAY OF JUNE, 2016

DO NOT PUBLISH